



STATE OF NEW JERSEY

**FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION**

In the Matter of Iris Borrero,
Microbiologist 4 (S0237W), Statewide

Examination Appeal

CSC Docket No. 2019-1085

ISSUED: NOVEMBER 21, 2018 (ABR)

Iris Borrero requests to be permitted to submit an application for the open competitive examination for Microbiologist 4 (S0237W), Statewide after the filing deadline.

By way of background, the announcement for the subject examination was issued on March 1, 2018 and had a closing date of March 22, 2018. The subject eligible list, containing five names, promulgated on August 30, 2018 and expires on August 29, 2021.

On appeal to the Civil Service Commission (Commission), the appellant states that around the time she commenced her employment with the Department of Health (DOH) in August 2017, she was told that she would be required to take an examination at a later date. She states that the appointing authority sent a “bulk email” on March 1, 2018 which she did not see until after the closing date, because she was intently focused on multiple assignments and training necessary to prepare for the reopening of the State Rabies Laboratory within the DOH’s Public Health and Environmental Laboratory (PHEL). She also maintains that the email did not specify that the subject examination was the examination she would be required to complete.

Additionally, the appellant asserts that the March 1, 2018 email indicated that human resources was to specifically notify her about the announcement prior to the closing date, her assigned human resources liaison (Liaison) never contacted her directly. In support of this claim, the appellant submits a memo dated October

9, 2018, from the above-noted Liaison, who states that although the appellant was notified about the examination announcement, the Liaison did not personally follow up with the appellant prior to the closing date to ensure that the appellant applied for the subject examination. Further, the Liaison states that if the PHEL is required to remove the appellant, it would have to suspend rabies testing for a minimum of 24 months while a new appointee obtains the vaccinations and necropsy and interpretive skills training required for the Centers for Disease Control (CDC) to certify the appointee for rabies testing, skills which are not currently available in the job market. Moreover, the Liaison indicates that cross-coverage would not be possible during such a training period because of rabies vaccination requirements for the PHEL Rabies Laboratory staff.

CONCLUSION

N.J.A.C. 4A:4-2.1(e) provides that unless otherwise provided for by the Chairperson of the Commission or designee, applications for open competitive examinations shall be submitted to the Commission no later than 4:00 p.m. on the announced application filing date.

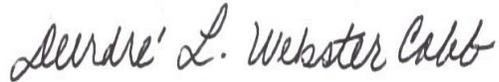
In the instant matter, the appellant admits that she knew she would have to take an examination in order to receive a permanent appointment to the subject title and she acknowledges that the appointing authority sent her an email with announcement for the subject examination on March 1, 2018. She indicates that she did not apply for the subject examination because it was a “bulk email” which did not indicate that it was the exam she was required to take to receive a regular appointment. The appellant also attributes her failure to apply for the subject examination to the extensive assignments and training she was receiving in March 2018 and the Liaison’s failure to confirm that she applied prior to the closing date. With open competitive examinations, *N.J.A.C.* 4A:4-2.1(a) requires an announcement to be made available through the Commission’s website. Although appointing authorities are required, in part, to ensure that all eligibles receive notification of a promotional examination announcement by electronic or other means, no such requirement exists for open competitive examinations. Further, with both open competitive and promotional examinations, there is no requirement that the appointing authority personally follow-up with a provisional appointee to ensure that he or she applied after receipt of the announcement. *See N.J.A.C.* 4A:4-2.1. As such, the appointing authority’s March 1, 2018 email to the appellant regarding the examination announcement on the Commission’s website provided the appellant with adequate notice of the examination. As the list is complete, containing the names of five eligibles, neither the appellant’s workload in March 2018 nor the Liaison’s failure to confirm that the appellant applied for the subject examination prior to the closing date provide a sufficient basis to relax *N.J.A.C.* 4A:4-2.1(e).

ORDER

Therefore, it is ordered that this appeal be denied.

This is the final administrative determination in this matter. Any further review should be pursued in a judicial forum.

DECISION RENDERED BY THE
CIVIL SERVICE COMMISSION ON
THE 21ST DAY OF NOVEMBER, 2018



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